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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,098	08/28/2001	Lance E. Steward	17451 (BOT)	6185
51957	7590	12/27/2005	EXAMINER	
ALLERGAN, INC., LEGAL DEPARTMENT 2525 DUPONT DRIVE, T2-7H IRVINE, CA 92612-1599			MINNIFIELD, NITA M	
			ART UNIT	PAPER NUMBER
			1645	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2005 has been entered.

2. Applicants' amendment filed October 11, 2005 is acknowledged and has been entered. Claims 1-3, 9-44, 54, 56, 65-95, 123-125 have been canceled. Claims 4, 61-63, 102, 103, 119-122, 126 and 141-148 have been amended. New claims 149-175 have been added. Claims 4-8, 45-53, 55, 57-64, 96-122, 126-175 are now pending in the present application.

3. It is noted that the status identifier for claim 141 is incorrect. This claim has been amended; the identifier should be "(Currently amended)".

4. SEQ ID NO: 1, 2, 30 and amino acids 187-203 of SEQ ID NO: 2 were previously examined in this application. However, Applicants have added new claims that recite additional sequences. Therefore the following species requirement is being set forth.

***Election/Restrictions***

5. This application contains claims directed to the following patentably distinct species of the claimed invention: the claims recite numerous amino acid sequences, SEQ ID NO: 1, 2, 29, 30, 85, 86, 87, 88, 89, 90, 91, 82 (it is not clear if Applicants desire SEQ ID NO: 82 or SEQ ID NO: 92), 93, 94, 95 and amino acids 187-203 of SEQ ID NO: 2. In most cases, Applicants are required to elect *up to ten independent and distinct sequences* for examination in the present application. SEQ ID NO: 1, 2 and 30 were previously examined in this application and are considered part of the up to ten sequences; accordingly Applicants can elect up to seven sequences.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

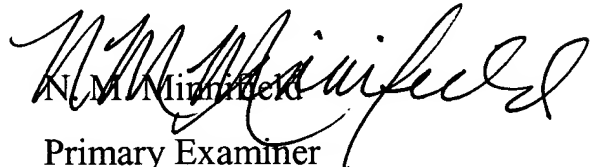
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R.F. Smith can be reached on 571-272-0864. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
N. M. Minnifield  
Primary Examiner  
Art Unit 1645

NMM

December 14, 2005